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TIMOTHY B. FLEMING  
OF COUNSEL

July 31, 2023

Via ECF Only

The Honorable Sarah Netburn  
United States Magistrate Judge  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007-1312

**Re: *In re: Terrorist Attacks on September 11, 2001, 03-md-01570 (GBD)(SN)*  
*McGuire, et al. v. Kingdom of Saudi Arabia, 19-CV-00031 (GBD)(SN)*  
Letter Motion to Add Plaintiffs**

The *McGuire* Plaintiffs file this Letter Motion pursuant to Rule 15(a)(2), Fed. R. Civ. P., seeking leave to file the attached proposed and Amended Short Form Complaint. Counsel for the Defendant Kingdom of Saudi Arabia has communicated to undersigned counsel for the *McGuire* Plaintiffs that the Defendant Kingdom consents to the addition of the plaintiffs being added to the case, but Defendant reserves all rights and defenses, including the statute of limitations.

On January 2, 2019, the *McGuire* Plaintiffs filed a Short Form Complaint and Appendix, in accordance with the Order of this Court dated July 10, 2018, at MDL ECF No. 4045 naming the Kingdom of Saudi Arabia as the sole Defendant. A Corrected Short Form Complaint was subsequently filed on January 3, 2019, at *McGuire* ECF 12.

Subsequent to the filing of the *McGuire* pleadings at ECF Nos. 1 and 12, counsel realized that, due to an administrative error, the claims of two clients which retained the undersigned law firm to litigate their solatium claims related to the terrorist attacks of 9/11 were omitted: Joanne Mistrulli, as Personal Representative of the Estate of Frank Mistrulli, Deceased, a surviving Sibling of Joseph D. Mistrulli; and Michael LoGuidice, Sr. as Personal Representative of the Estate of Carmello LoGuidice, Deceased, a surviving Parent of Catherine Lisa LoGuidice.

Accordingly, the *McGuire* Plaintiffs have added these two claims to the proposed Amended Short Form Complaint.

Additionally, the following additional plaintiffs are added to the proposed Amended Short Form Complaint in order to prosecute their wrongful death and solatium claims against the Defendant related to the terrorist attacks of 9/11. The plaintiffs are all from the Garfi family as follows: Vito Garfi, as Personal Representative of the Estate of Francesco Garfi, Deceased; Marianna Garfi, surviving Parent of Francesco Garfi, Deceased; Salvatore Garfi, surviving

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Parent of Francesco Garfi, Deceased; and, Vito Garfi, surviving Sibling of Francesco Garfi, Deceased. These claims have also been added to the proposed *McGuire* Amended Short Form Complaint.

Rule 15 of the Federal Rules of Civil Procedure governs amendments of pleadings before trial. The *McGuire* Plaintiffs availed themselves of Rule 15(a) in filing the *McGuire* Corrected Short Form Complaint at *McGuire* ECF 12. Because more than 21 days have elapsed since service of the original *McGuire* pleading and one amendment has already been filed, Rule 15(a)(2) is applicable here. Rule 15(a)(2) provides:

(a) AMENDMENTS BEFORE TRIAL.

(2) *Other Amendments.* In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

Undersigned counsel received the written consent of counsel for the Defendant Kingdom of Saudi Arabia, Michael Kellogg, Esq. for the filing of an Amended Short Form Complaint subject to the Kingdom's reservation of all rights and defenses, including statute of limitations. The *McGuire* Plaintiffs therefore seek the Court's leave to file the proposed pleading.

In light of the above, the *McGuire* Plaintiffs respectfully request that this Court grant leave to file the attached proposed *McGuire* Amended Short Form Complaint.

Date: July 31, 2023

Respectfully Submitted,

/s/

Timothy B. Fleming (DC Bar No. 351114)  
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cc: All Counsel of Record via ECF